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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,547	02/27/2002	David F. Bantz	YOR920010667US1	9848
35526	7590	07/26/2005	EXAMINER	
DUKE. W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			HA, THANH T	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,547

Applicant(s)

BANTZ ET AL.

Examiner

Ha Thanh

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-47, 49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-47, 49 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the amendment filed on 4/29/2005.

The priority date for this application is 2/27/2002.

Claims 1-2, 4-47, 49-50 are pending and have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-14, 16, 19-32, 34-47, 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroening, US Patent No. 6,775,829, in view of Marino et al. (hereinafter Marino), U.S. Patent 6681391.
3. As Per Claim 1, Kroening teaches a method for creating customized disk images for loading software onto a computer (E.g. see Abstract and associated text), the method comprising the steps:

Receiving software requirements (E.g. see FIG. 2, order 208 and associated text) from a plurality of users (E.g. see FIG. 2, user 202, 204 206 and associated text & col. 11, lines 7-8);

Determining (a) a plurality of software components that will fulfill the software requirements while addressing constraints and affinities between said plurality of software components and (b) a respective plurality of configuration options that reflect current best practices with regard to said plurality of software components (col. 6, lines 17-27); and

generating a disk image containing said plurality software components configured according to said respective plurality of configuration options. (E.g. see FIG. 2 and associated text, e.g. see col. 5:59 to col. 6:50).

4. Kroening does not specifically teach software requirements for a given system. However, Marino teaches the software requirements for a given system from a plurality of users ("many different user") [col. 2, lines 19-51].
5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaching of Marino and Kroening because Marino's teaching would customized the installation software image for a plurality of users without requiring expensive oversight or trouble-shooting to install the software image.
6. As Per claim 2, the rejection of claim 1 is incorporated and further Kroening teaches wherein said determining step applies rules to the software requirements to identify software [[items]] components that comply with the software

requirements. (E.g. see FIG. 2 and associated text, e.g. see col. 5:59 to col. 6:50).

7. As Per claim 4, the rejection of claim 2 is incorporated and further Kroening teaches wherein the rules include rules mapping a software requirement into a corresponding software component (E.g. see FIG. 2 and associated text, e.g. see col. 5:59 to col. 6:50, which states E.g. ". . .requiring a different driver, software component ...").
8. As Per claim 5, the rejection of claim 2 is incorporated and further Kroening teaches wherein the rules include rules specifying when particular versions of a particular software component are to be utilized (E.g. see FIG. 3D, Software option 320 and associated text).
9. As Per claim 6, the rejection of claim 2 is incorporated and further Kroening teaches wherein the rules include rules specifying installation options regarding a particular software component (E.g. see FIG. 3D, Software option 320 and associated text).
10. As Per claim 7, the rejection of claim 2 is incorporated and further Kroening teaches wherein the rules include rules specifying how to test a particular software component. (E.g. see FIG. 5, block 510 and associated text)

11. As Per claim 8, the rejection of claim 1 is incorporated and further Kroening teaches testing the disk image (E.g. see FIG. 6, section 618 and associated text).
12. As Per claim 9, the rejection of claim 8 is incorporated and further Kroening teaches wherein testing the disk image includes verifying that said plurality of software components complies with the software requirements" (E.g. see FIG. 6, section 618 and associated text).
13. As Per claim 10, the rejection of claim 8 is incorporated and further Kroening teaches wherein testing the disk image includes verifying that said plurality of software components complies with at least one rule (E.g. see col. 2:45-58).
14. As Per claim 11, the rejection of claim 1 is incorporated and further Kroening teaches generating a difference image that represents differences between the disk image and another existing disk image, whereby the another existing disk image may be updated to match the disk image by applying the difference image to the another existing disk image (E.g. see FIG. 5, station s 516, 518, 520 and associated text, e.g. see col. 11:3-16).
15. As Per claim 12, the rejection of claim 1 is incorporated and further Kroening teaches wherein the software requirements are received through a network (E.g.

see FIG. 1, network system 10 and associated text) that includes the Internet (E.g. see col. 8:55-64).

16. As Per claim 13, the rejection of claim 1 is incorporated and further Kroening teaches wherein the software requirements can be received in terms of customer needs rather than specific software components (E.g. see FIG. 1 and associated text, e.g. see col. 4:64-col. 5:14).

17. As Per claim 14, the rejection of claim 1 is incorporated and further Kroening teaches wherein the requirements are represented in a structured format (E.g. see col. 7: 60 to col. 8:6).

18. As Per claim 49, the rejection of claim 1 is incorporated and further Kroening teaches storing said disk image on a computer-readable (see FIG.1 and associated text).

19. Kroening does not specifically teach distributing said computer-readable media to a client. However, this feature deems to be inherent to the Kroening system because Kroening system would not be usable if the computer-readable media was not distributed to client.

20. As Per claim 50, this is data processing system claim that corresponds to method claim 49. Therefore, it is rejected for the same reason as to claim 49 above.

21. As Per claim 16, Kroening teaches a method for creating a customized disk image for loading software onto a computer, the method comprising the computer-implemented steps:

- a. parsing a plurality of inputs regarding a desired system to extract specifications regarding software (E.g. see FIG. 5, block 508 and associated text);
- b. evaluating a plurality of rules with respect to the plurality of inputs to derive a set of software components conforming to the specifications (E.g. see FIG. 5, block 510 and FIG. 4 block 406 & 416 and associated text);
- c. evaluating a second plurality of rules with respect to the plurality of inputs to derive a set of configuration options conforming to at least the specifications" (E.g. see FIG. 4 block 412 & 418 and associated text);
- d. storing each software component from the set of software components on a storage device (E.g. see FIG. 2, block 226 and FIG. 4, block 406, 412, 414 and FIG. 5, block 512 and associated text);
- e. configuring each software component stored on the storage device in accordance to the set of configuration options" (E.g. see FIG. 3A-3D and associated text); and

- f. generating a disk image from contents of the storage device (E.g. see FIG. 6 and associated text).

22. As Per Claim 19, is the computer-readable medium claim corresponding to the method claim 1 and is rejected under the same reason set forth in connection of the rejection of claim 1.

23. As per Claims 20, 22-32, the rejection of claim 19 are incorporated and are rejected under the same reason set forth in connection of the rejection of claims 2, 4-14 respectfully.

24. As per Claim 21, the rejection of claim 20 is incorporated and further Kroening teaches wherein the rules are stored in a database (E.g. see col. 6:51-67).

25. As Per Claim 34, is the data processing system claim corresponding to the method claim 1 and is rejected under the same reason set forth in connection of the rejection of claim 1.

26. As per Claims 35, 37-47, the rejection of claim 34 are incorporated and are rejected under the same reason set forth in connection of the rejection of claims 2, 4-14 respectfully.

27. As per Claim 36, the rejection of claim 35 is incorporated and further Kroening teaches wherein the rules are stored in a database (E.g. see col. 6:51-67).

28. Claims 15, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroening, in view of Marino et al. (hereinafter Marino), U.S. Patent 6681391, further in view of Humpleman et al. US Patent No. 6,546,419 (hereinafter Humpleman).

29. As Per Claim 15, the rejection of claim 14 is incorporated and further Kroening and Marino do not explicitly disclose Extensible Markup Language (XML). However, Humpleman in an analogous art teaches wherein the structured format is Extensible Markup Language (.XML)". (E.g. see col. 3:10-17). Therefore, it would have been obvious to incorporate the teaching of Humpleman into the teaching of Kroening to use the structured format like XML. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the selection information for each home device can include an iconic representation of the home device. And, the structured format can include the XML format.

30. As per Claim 33, the rejection of claim 32 is incorporated and is rejected under the same reason set forth in connection of the rejection of claim 15.

31. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroening, in view of Marino et al. (hereinafter Marino), U.S. Patent 6681391, further in view of Lo et al. US Patent No. 6,854,120 (hereinafter Lo).

32. As Per claim 17, the rejection of claim 16 is incorporated and further Kroening does not explicitly disclose inputs are requests from hypertext browsers. However, Lo in an analogous art teaches wherein the plurality of inputs are requests form hypertext browsers (E.g. see col. 2:21-47). Therefore, it would have been obvious to incorporate the teaching of Lo into the teaching of Kroening so that inputs are requests from hypertext browsers. The modification would have been obvious because one of ordinary skill in the art would have been motivated to transfer any data entered by the user into the HTML input form and any data stored in the requested HTML page into the ERP application API (E.g. see col. 2:33-35).

33. As Per Claim 18, the rejection of claim 16 is incorporated and further Kroening does not explicitly disclose inputs are XML documents. However, Lo in an analogous art teaches wherein the plurality of inputs are XML documents". (E.g. see col. 2:21 to col. 3:45). Therefore, it would have been obvious to incorporate the teaching of Lo into the teaching of Kroening so that inputs are XML documents. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use XML document as input

because the XML file strongly couples the data in the ERP Application to the Java objects and the XML file which specifies the presentation of the Application data.

Response to Arguments

28. Applicant's arguments filed 04/29/2005 for claims 1-2, 4-47 have been considered but are moot in view of the new ground(s) of rejection necessitated by applicant's amendment.

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha Thanh whose telephone number is 571-272-7220. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SUE LAO
PRIMARY EXAMINER

Thanh Ha
Examiner